

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

AUTO-OWNERS INSURANCE )  
COMPANY and OWNERS )  
INSURANCE COMPANY )  
 )  
Plaintiff )

v. )

MEP PRO SERVICES, LLC; THE )  
WHITING-TURNER )  
CONTRACTING COMPANY; )  
AND UNITED STATES FIRE )  
INSURANCE COMPANY )

Defendants.

CIVIL ACTION FILE NO.  
1:21-cv-00971-SCJ

**STIPULATION OF DISMISSAL WITHOUT PREJUDICE**

Plaintiffs Auto-Owners Insurance Company and Owners Insurance Company have resolved this case via settlement with MEP Pro Services, LLC and The Whiting Turner Contracting Company in exchange for a dismissal without prejudice. Plaintiffs Auto-Owners Insurance Company and Owners Insurance Company also wish to dismiss without prejudice United States Fire Insurance Company, without the requirement that a settlement is reached with United States Fire. Rather, United States Fire will be dismissed without prejudice, without any settlement agreement.

As such, the parties in this action consent to the dismissal without prejudice of this case. It is hereby stipulated that pursuant to Federal Rules of Civil Procedure Rule 41 (a)(1)(A)(ii), the plaintiffs' claims are DISMISSED, WITHOUT PREJUDICE.

Respectfully submitted this 22<sup>nd</sup> day of September , 2022.

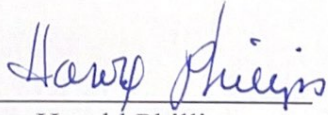
<p>SWIFT, CURRIE, McGHEE &amp; HIERS</p> <p><u>/s/ Rebecca E. Strickland</u></p> <p>Mark T. Dietrichs  Georgia Bar No. 221722  Rebecca E. Strickland  Georgia Bar No. 358183  1420 Peachtree Street, N.E.  Suite 800  Atlanta, Georgia 30309  Tel: 404-874-8800  <a href="mailto:Mark.dietrichs@swiftcurrie.com">Mark.dietrichs@swiftcurrie.com</a>  <a href="mailto:Rebecca.strickland@swiftcurrie.com">Rebecca.strickland@swiftcurrie.com</a>  Attorneys for Plaintiffs Auto-Owners  Insurance Company and Owners  Insurance Company</p>	<p>THE MENECHINO LAW FIRM LLC</p> <p><u>/s/ John E. Menechino</u></p> <p>John E. Menechino  Georgia Bar No. 502010  <i>[Signed with express permission by  Rebecca Strickland]</i>  3300 Windy Ridge Parkway, SE  Suite 1021  Atlanta, GA 30339  404-388-0433  <a href="mailto:john@TheMLF1.com">john@TheMLF1.com</a>  Attorney for Defendant, United States  Fire Insurance Company</p>
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*[Signatures Continue on Next Page]*

<p>NELSON MULLINS RILEY &amp; SCARBOROUGH, LLP</p> <p><u>/s/ S. Jake Carroll</u> Mark S. VanderBroek, Esq. Georgia Bar No. 724440 <a href="mailto:mark.vanderbroek@nelsonmullins.com">mark.vanderbroek@nelsonmullins.com</a> S. Jake Carroll, Esq. Georgia Bar No. 606804 <a href="mailto:jake.carroll@nelsonmullins.com">jake.carroll@nelsonmullins.com</a> <i>[Signed with express permission by Rebecca Strickland]</i> 201 17th Street, N.W., Suite 1700 Atlanta, Georgia 30363 Telephone No. (404) 322-6000 Facsimile No. (404) 322-6050 <i>Counsel for The Whiting-Turner Contracting Co.</i></p>	<p>MEP Pro Services, LLC</p> <p><u>/s/ Harold Phillips</u> By: Harold Phillips 30 Dorris Road Alpharetta, Georgia 30004 <i>[See attached signature page]</i></p>
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As such, the parties in this action consent to the dismissal without prejudice of this case. It is hereby stipulated that pursuant to Federal Rules of Civil Procedure Rule 41 (a)(1)(A)(ii), the plaintiffs' claims are DISMISSED, WITHOUT PREJUDICE.

Respectfully submitted this \_\_\_\_ day of September, 2022.

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**CERTIFICATION OF FONT**

We hereby certify that this pleading has been prepared with Times New Roman 14 point selection, as approved by the Court in L.R 5.1B.

Respectfully submitted this 22<sup>nd</sup> day of September, 2022.

Respectfully submitted,

SWIFT, CURRIE, McGHEE & HIERS

*/s/ Rebecca E. Strickland*

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**CERTIFICATE OF SERVICE**

I hereby certify that this day I have electronically filed the foregoing ***STIPULATION OF DISMISSAL WITHOUT PREJUDICE*** with the Clerk of Court by e-filing same using the CM/ECF System, which will automatically send e-mail notification of said filing to the following attorneys of record:

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And by delivering a true copy of same via email and U.S. Mail, proper postage prepaid, to the following:

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c/o Harold J. Phillips  
30 Dorris Road  
Alpharetta, GA 30004

Respectfully submitted this 22<sup>nd</sup> day of September, 2022.

Respectfully submitted,

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